

PLANNING AND ZONING COMMISSION

MEETING MINUTES

MARCH 7, 2013

AGENDA

PREVIOUSLY TABLED CASE

**1. Links at Ballantrae
08-026Z/PDP/PP**

**Rings Road West of Eiterman
Rezoning/Preliminary Development Plan
Preliminary Plat**

**(Approved 6 – 0 - Rezoning/Preliminary Development Plan)
(Approved 6 – 0 - Preliminary Plat)**

NEW CASE

**2. Perimeter Center, Subarea F3 – The Learning Experience Daycare
10-082AFDP**

**6329 Perimeter Loop Drive
Amended Final Development Plan**

**(Approved 6 – 0 - Minor Text Modifications)
(Approved 6 – 0 - Amended Final Development Plan)**

Chair Chris Amorose Groomes called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were Amy Kramb, Warren Fishman, John Hardt, Victoria Newell, and Joe Budde. Richard Taylor was absent. City representatives were Claudia Husak, Gary Gunderman, Rachel Ray, Kristin Yorko, Aaron Stanford, Paul Hammersmith, Alan Perkins, Steve Skelton, and Flora Rogers.

Motion and Vote

Mr. Fishman moved to accept the documents into the record as presented. Ms. Kramb seconded the motion. The vote was as follows: Mr. Hardt, yes; Mr. Budde, yes; Ms. Newell, yes; Ms. Amorose Groomes, yes; Ms. Kramb, yes; and Mr. Fishman, yes. (Approved 6 – 0.)

Communications

Claudia Husak reported that the Celtic Crossing case had been placed on the March 11, 2013 City Council Agenda for a first reading. She said that the State of the City is scheduled to be held March 14, 2013. She reminded everyone that the Commission meeting scheduled for Wednesday, March 13, 2013 had been cancelled.

Administrative Business

Ms. Amorose Groomes briefly explained the rules and procedures of the Planning and Zoning Commission. She determined that the cases would be heard in the order of the published agenda.

**1. Links at Ballantrae
08-026Z/PDP/PP**

**Rings Road West of Eiterman
Rezoning/Preliminary Development Plan
Preliminary Plat**

Chair Chris Amorose Groomes introduced this application requesting a subdivision of 46 single-family lots for land currently zoned R, Rural District and R-1, Restricted Suburban Residential District, located on the north side of Rings Road, approximately 1,100 feet west of Eiterman Road. She said the Commission will need to make two motions on this application, and both components will be forwarded to City Council for

final approval. Ms. Amorose Groomes determined that a full presentation was not necessary for this consent agenda item.

Claudia Husak said that when this 2006 application was first reviewed by the Commission in 2008 there were concerns about the street layout, cut through traffic, and open space arrangements. Ms. Husak said the 26.5-acre site is located on the north side of Rings Road, just south of Ballantrae. She said to the west is the Woodlands of Ballantrae multi-family condominium project that still has a phase to finish and to the north are single family homes within Ballantrae and to the east is the Washington Elementary School and the Northwest Chapel Grace Brethren Church. Ms. Husak said the Community Plan shows this site as a Mixed Residential Use with Low Density, which would allow maximum density of three units per acre. Ms. Husak said the Commission and Planning have looked at this from a more comprehensive view and determined that this Mixed Residential with the incorporation of different types of housing on a 26-acre site is really not practicable, and looking at it with Ballantrae in mind, that it would meet the Community Plan since there is a definite mix of housing units and types within Ballantrae.

Ms. Husak presented the proposed preliminary development plan which incorporates a portion of the Rings Road Cosgray Connector future roadway that would connect Rings Road to Cosgray Road to the west, with the main access point off that connector and connecting through Marmon Drive, which is the main access point for the condominiums through Ballantrae. She said the loop road in the center allows for sizable open space and they are able to provide a one-acre neighborhood park. She said 46 lots are proposed on 26 acres for a density of 1.7 units per acre. Ms. Husak said that two wet ponds are proposed, and Planning has requested that the applicant include an aerator in the northern pond which is not shown on the submitted plans and some additional landscaping around the edge of the pond. She said a bikepath connection is proposed along the property boundary with the school, and the applicant should be working with the schools to extend the path where they want it to be located. She said another bikepath is proposed on the western edge of the street that goes from both access points through the site. Ms. Husak explained that the Subdivision Regulations require there be a 35-foot setback for bikepaths along the front of homes. She said that Planning is asking that the applicant address that because some of the homes along the bikepath have a 25-foot to 35-foot setback. She said that Planning also wants to make sure that the bikepath is constructed of concrete. Ms. Husak said a third bikepath is proposed along Rings Road and the Cosgray Rings connector and Planning is asking that the applicant have the crossing located at the intersection rather than farther up into the development.

Ms. Husak said that Planning has been contacted by the Patch family who has concerns about how close the proposed road will be to their home. She said that the applicant and the Patch family also have contacted the Engineering Department about the situation. She said there is some opportunity to move the roadway a little away from their home, so the applicant has been requested to work with them to look at the distance a little more. Ms. Husak said that Planning is asking in a condition for the applicant to provide an additional buffer for the small open space to the north of the Patch residence and along the western edge of the road.

Ms. Husak said that Planning is also asking that if Lot 46 located at the entrance were to have a side-loaded garage, that the garage face north so that the garage will not be viewed coming into the development. She said that applicant has committed to require 50 percent of the garages within the development to be side-loaded on the 75-foot to 90-foot lots which are adequately sized to allow their design.

Ms. Husak highlighted the areas shown as reserves on the preliminary plat. She said that they are all intended to be dedicated to the City. She said larger reserves are included on the south side where the stormwater management pond is proposed and a reserve which will allow the future roadway connection. Ms. Husak said there is a very small reserve proposed between Lots 6 and 7. Ms. Husak said there was some confusion about the maintenance of the open spaces, and Planning had proposed Condition 2, that

the development text addresses maintenance and requires that all of the reserves be maintained by the homeowners association.

Ms. Husak said the open space details submitted with this application were more for the final development plan. She said the conditions on them were mostly to make sure that at the final development plan stage they are addressed. She explained that they typically do not require that much detail at this stage. Ms. Husak said specifically, Planning is asking that the center open space hedge treatment be continued around the back to allow some privacy for the homes that front onto the open space. She said stone piles are proposed along that open space and bike path which Planning wants to be more of a lawn treatment as opposed to small piles of stones to make it more natural looking as though the path was punched through the stones rather than piles appeared. Ms. Husak said that Planning is asking that the applicant work with them on spacing because there are concerns about tree spacing in the southern main entry feature and the northern and southern open spaces.

Ms. Husak said that Planning is recommending approval of this Preliminary Development Plan with the fourteen conditions that are detailed in the Planning Report:

- 1) That the development text be revised to allow a 30-foot front yard setback where bikepaths are proposed along the lot;
- 2) That the development text be revised to state *a//* reserves are maintained by the HOA;
- 3) That the applicant work with Planning to also provide buffering along Lot 46 and within Reserve 'B' on the south side of the Rings-Cosgray Connector;
- 4) That the applicant work with Planning to disperse trees in Reserve 'C' away from the bikepath edge toward the center of the reserve and reduce the number and tight spacing of the River Birch at the entries;
- 5) That the applicant incorporate longer runs of stone wall following the curve of the proposed path in Reserve 'C' rather than the small piles shown;
- 6) That the applicant work with Planning to add landscaping around and aeration within the stormwater pond in Reserve 'F' and continue the taxus hedge and ornamental trees behind the benches and bike racks in Reserve 'D';
- 7) That the Pacific Sunset Maple be substituted for the proposed Aristocrat Pear;
- 8) That the applicant work with Engineering to revise the proposed Rings-Cosgray Connector location to ensure an adequate buffer from 6800 Rings Road while adhering to proper and safe roadway design;
- 9) The applicant will be required to update the plans to reflect the bikepaths in front of proposed lots be concrete in material with sawcut joints;
- 10) That the applicant work with the Hilliard City School District to coordinate the proposed bikepath connection and provide written evidence of acceptance of the location from the District with the final development plan submission;
- 11) That the proposed bikepath in Reserve 'C' cross proposed Cadmore Drive at the intersection with the new Rings-Cosgray Connector;
- 12) That the development text be revised to require a side-loaded garage for Lot 46 face north;
- 13) That the development text be modified to address architectural diversity and that the applicant provide an architectural diversity matrix prior to scheduling review by City Council; and,
- 14) That the development text be revised to require the establishment of an Architectural Review Committee (ARC);

She said that Planning would prefer that Condition 2, 'That the development text be revised to state all reserves are maintained by the HOA' be eliminated. She said the currently, the text states that certain reserves are maintained by the HOA, and that can be worked out through the platting process with the Parks and Open Space Director.

Ms. Husak said that Planning is also recommending approval of the Preliminary Plat with the condition that they do any kind of technical adjustment to the plat prior to submittal to City Council.

- 1) That the applicant ensure that any minor technical adjustments to the plat should be made prior to City Council submittal.

Ms. Husak said that Planning does want the applicant to try to work with Ballantrae and their association to be able to become part of that association because they have architectural review built into their association which works well. She said they are demanding high quality, and Planning would like to see that here as well, and if that is not possible, the language for architectural review included in the development text needs work.

Ben W. Hale, Jr., Smith and Hale, (37 West Broad Street, Columbus, Ohio); representing Jason Francis, M/I Homes, said by not including the church parking lot, it improved this plan substantially because it allowed them to increase the front open space and park. He said that they had contacted the Ballantrae association about joining. He said it depended upon whether or not the City is going to maintain the open space because their projection would be that their fees here would be higher. Mr. Hale said they will continue to talk to the Ballantrae association. He said they have also been in contact with the school who are asking that their facilities people to make sure that where the walkway is proposed is the best place in terms of connecting it with the existing walkways on the school property. Mr. Hale said that they have agreed to put the walkway wherever the school wants it along the border. Mr. Hale said that they also had contacted the Patch family and the Engineering Department regarding increasing the distance and having a tighter radius, which was fine.

Mr. Hale said it was not a condition, but they also contacted several neighbors along the northern border and one of the things they were asked to do was to put a fence along the border of the pond, along their border, and along the school's border. He said they have agreed to install a wooden board-on-board fence with a cross in the center or a fence approved by Planning and would like to have that added as a condition. Mr. Hale said the same type fence would be added along both sides of the path where it goes to the school to provide a good separation from the path and have a good demarcation between it and the school.

Mr. Hale said the design, landscaping, entry feature, stone walls, building materials, and houses will be comparable to those in Ballantrae.

Ms. Amorose Groomes invited public comments in regards to this case.

David Patch, (1 Miranova Place, Columbus, Ohio), said he was not opposed to this development, but he wanted to make sure that if this is approved, that will still be working with them to relocate the road. He asked if there would be landscaping or trees that would block the view of the traffic from his mother's house. He said he thought the Master Plan was to have Amlin have some rural character or village setting. Mr. Patch said he did not think that the busy road that will have a rural character. He said it was going to be a pretty busy intersection. He pointed out that there was an Amlin sign located at his mother's fencerow, and he suggested that if Amlin is to be preserved as Old Dublin was, we should try to make it something special there and not have such a busy road there. He said moving the road to the east would be helpful.

Mr. Patch said he did not see the proposed roundabout location shown on the drawings. He pointed out that sometimes, like on Emerald Parkway, the roadway is torn up after the beautiful trees and mounds are planted. He said that could be avoided by planting something to the side.

Mr. Patch said he also did not see the proposed roadway layout anywhere.

Ms. Amorose Groomes explained that the layout of the proposed roadway and roundabout will not be part of this application. She said that they would be done by the City through their Capital Improvements Project process.

Mr. Patch said that when they were annexed into the City, they were told that they would get Dublin water and sewer connections. He said he did not know if with this plan, if they will still get them.

Mr. Patch asked how the sidewalks along Rings Road would be incorporated.

Ms. Amorose Groomes noted that it looked like the Patch property was the last in the City going west. She said therefore, whatever happens from there on is not going to be dependent on the Commission or this community.

Mr. Patch pointed out that there was already an overlay for Amlin.

Ms. Amorose Groomes explained that those were just planning thoughts if Amlin wanted to be annexed into the City of Dublin, but that would be incumbent upon any individual property owner that chose to be annexed into the City, because they cannot be forced to do that.

Mr. Patch said that they were in Dublin.

Ms. Amorose Groomes confirmed that the Patch residence was located in Dublin.

Mr. Patch asked if there was any kind of bikepath or sidewalk planned in front of his mother's house or up to her property line.

Aaron Stanford said regarding the roundabout, originally in 2008 when EMH&T preliminarily designed this site, the area on southern edge of the property, south of the pond, with a roundabout so that long term, there would be room and this development could be planned around that future intersection to handle that traffic. He explained that was why the City reserve was shown. He said the final layout of a roundabout will be shared with the Commission and Mr. Patch. He explained it was shown for future expansion to make sure that it fits and not have to come back and tear up something recently done with the development.

Ms. Amorose Groomes asked if there were any indication when a roundabout there might be appropriate.

Mr. Stanford said that information was not available now. He said likely, what he would see happening is that the connector roadway design from Rings Road to Cosgray Road which is now beginning is a larger project in the Five Year CIP, scheduled for construction in 2016. He said the intersection improvement will be looked at and they will look at pedestrian path connections. Mr. Stanford said that this development is well timed because that will come behind it.

Ms. Amorose Groomes asked if the City was willing to make the commitment to locate the road in the most proper place that it possibly can.

Mr. Stanford said that there is going to be an interim condition for the roadway connection which is what is being presented today. He said the subdivision will construct a small stub or a portion of that connector down to Rings Road where what will be seen in the interim condition is a roadway that comes down south and there will be a stop, controlled 'T' intersection. He said coming from the south, you will stop at Rings Road. Mr. Stanford said a condition that came about with the discussion with Mr. Patch was that there is the ability with the alignment there to work as best as they can to align that so that it is located farther to the east. He said he thought two the things get the roadway away from the existing residence and provide additional area if they want to plan or install landscaping.

Mike Wallen, (13680 Robinson Road, Plain City, Ohio) Church Administrator, Northwest Chapel Grace Brethren Church, (6700 Rings Road, Dublin, Ohio), said that he had not heard that a roundabout might potentially be located there. He said in fact, if the 'Notice' sign had not been placed by the road, they

would not have known that there was a zoning hearing. He said the church was not contacted about this application. Mr. Wallen said that the applicant had been providing information to them. He said that the church is supportive of this development, however disappointed that there was an agreement where the church could purchase additional land, and they were told that the City said that they could not do that.

Mr. Wallen said regarding the proposed roundabout, he was not sure what he thought about it. He said they purchased and built the church 25 years ago when there was nothing but farmland in the area and now they are surrounded with development. He said moving the road to the east would make a lot of sense to relieve some tension as it relates to the concerns of what Mr. Patch had. He said the house on the corner of the church property is a missionary house used for small gatherings and for incidental, short-term living quarters for missionaries, interns, and things of that nature. He said they owned a couple of properties to the east and a City-required mound, and if a roundabout is done, they would want to work with the City to decide how to remove the mound and could they have egress and ingress as it relates to that particular property.

Mr. Wallen said the pond proposed on the south end will be exciting, which is good, but the church property back there is very low, and he was concerned. He said they already have ducks and geese certain times of the year there, and if it is not done properly, all of the church's back yard of that property will be flooded. He said that he potentially wanted to work with the applicant to see if there is not something that the church can do in terms of drainage or something to make sure that they do not lose half of their property there.

Ms. Amorose Groomes suggested that Mr. Wallen and Mr. Stanford should exchange information. She explained that this was the rezoning and preliminary development stage, and things were subject to change from this point forward. She said that the Engineering Department had not looked at this as hard as they will when it comes to the final development stage.

Mr. Wallen said that the church had a septic tank, and did not have water and sewage services. He recalled that originally, in 2008, it was discussed that the church was going to provide the services all the way through. He said the church connected with Hilliard City Schools systems when they built the Washington Elementary School, but the church's property on the corner to the east does not have water and sewer services.

Ms. Amorose Groomes asked if the water and sewer would come from the Rings Road direction.

Mr. Wallen said he believed it would come west from Eiterman Road or Rings Road.

Ms. Amorose Groomes asked if there were any other public comments regarding this application. [There was none.]

Warren Fishman said he was concerned about the association since there were potentially only 45 lots. He said the Commission's experience for many years has been that when there is a small association like this and there is a park with play equipment and so on, it is very tough for them to support that kind of maintenance. He said he would like the applicant to make sure that they join the Ballantrae forced homeowners association, not only for design review, but also for future maintenance of the play equipment. He noted that a recent trend had been that the association owned the property and the City maintained it, but it had never been that way in the past.

Mr. Fishman recalled that years ago, Fred Hahn and he talked about what a practical sized park would be for the City to support, and Mr. Hahn said it would be about 3.8-acres. Mr. Fishman said this park around one-acre would not be practical for the City to support. He said he would not support this development if the association just included these houses and not those at Ballantrae.

Mr. Fishman asked if all the houses had three-car garages.

Mr. Hale said that at the price point of over \$400,000, most of the homeowners will opt for three-car garages, but that was not a requirement. He said however, they have required that at least half of the houses do it.

Mr. Fishman noted that he did not see any single family houses in Ballantrae without three-car garages, although the condominiums had two-car garages. He said to maintain the standards, but also a \$500,000 house with a two-car garage will have inevitably have toys and things stored and so the cars will be parked on the street. He said he would like to see a three-car garage as a requirement.

Mr. Fishman referred to Lot 46 and said it needed to be eliminated so that a nice entrance and open space can be provided with room for whatever is going to be done when moving the roads and bike paths. He said he had noticed that in the last couple of developments, the developers have pushed for the lots close to the street, and the ones that are built are terrible because you see the side of the house with usually no windows and stucco or siding on the street, instead of having a lovely entrance to the subdivision. He said that the back of the property was fine because there are houses around it and it is a different character completely. He reiterated that he would not be supportive of this preliminary development plan if Lot 46 remains. He said if the three lots next to the open space were eliminated, there could be a nice sized park in this development.

Mr. Hale said the one-acre open space in the center is south of Wilford Lane. He said the other open space was about six acres. He said that neither Mr. Fishman nor he had the ability to force themselves on the association, but the fear was that their dues will be higher than the Ballantrae homeowners association. He said if the City should take over the maintenance of the six-acre open space, then from a financial point of view, it would be in Ballantrae's best interest to let them join because they actually would make money because they would not have to maintain very much and maybe only the one-acre. He said he thought whether they join Ballantrae homeowners association would depend if Mr. Hahn agreed to maintain it. Mr. Hale said if Mr. Hahn did, it would be a no-brainer to join Ballantrae, but if he did not, it they will probably see it as a burden. Mr. Hale said that they have contacted the Ballantrae homeowners association and offered to join them.

Mr. Fishman said he was just asking that the maintenance responsibility of the park that contains play equipment be resolved. He reiterated that Lot 46 should be eliminated and that three car garages should be required in the development.

Joe Budde said he agreed that Lot 46 should be eliminated.

Victoria Newell asked what the play surface area was in the proposed playground.

Mr. Hale said that they had not designed it yet, as it was a final development plan issue.

Ms. Newell said she would become concerned if just mulch chips were used for the surface of the play area.

Mr. Hale said that if told what material was wanted, they would make sure that it was used.

Ms. Newell said not enough detail about the play area had been provided at this time to decide what material should be used.

Mr. Hale said that requiring a three-car garage was no problem, because at this price point, all homeowners will want that.

Mr. Fishman asked that it be a condition.

Ms. Newell as if the point at which the road curb cut is shown on the plan entering onto Rings Roads, next to the Patch property, is per the City's desire at this time.

Mr. Stanford said it was the City's desired location. He said that it provides the City maximum spacing from the Rings Road connection, and thinking long term, to locate that future intersection as far away as possible.

Ms. Newell noted that the right-of-way was right at the corner of the Patch property line, and she could not see that as a desirable condition for any resident in the City of Dublin.

Mr. Stanford said he thought the good news was that as you get farther down to the south and on the corner on Rings Road with the Patch property, there is where the City has the flexibility to realign or reconfigure some of the road alignment. He said the point where there is a small window, is the western edge of the property where the Cosgray connector pushes through, because just to the north is the Woodlands of Ballantrae condominiums and the existing parcel to the south. He said that is a fixed point as far as roadway alignment goes, but as they get farther to the south, and closer to the Patch property, the City does have some flexibility.

Ms. Newell said other than her concerns previously mentioned; overall she liked this development, landscaping amenities, and things that were included in the meeting packet.

Amy Kramb referred to the Planning Report mentioning about sharing the sanitary sewer with the church, and text modifications had been made, but there was no condition regarding striking that on the front page of the proposed development text under Sanitary Sewer, 'That there is the eight-inch line on the church property'. She said since there are other minor modifications, that should probably be removed.

Ms. Kramb said in regards to Lot 46, she thought it seemed off-balanced being located there. She said she thought it would look better without it because it would align Lots 1 and 45 as the entrance.

John Hardt said most of the issues and concerns mentioned were items that he looked forward to being addressed with the final development plan. He said that he was okay with this preliminary development plan. He said at the final development plan stage, the termination of the Cosgray-Rings Road connector was something he would be curious about how it is resolved so that the City does not end up with a broken asphalt road that ends at the property line.

Ms. Amorose Groomes said that she agreed that Lot 46 was probably out of place. She said if she scaled off on the landscape drawings submitted, it looks like there is a ten-foot lawn panel between the roadways and the sidewalks and according to the drawings, the trees are planted about two feet off the sidewalks. Ms. Amorose Groomes said that the landscape drawings submitted at the final development stage should show clearly that the trees are set in the middle of the lawn panels. She said she agreed with the condition about getting the trees away from the paths. She said there is plenty of room so there is no sense in crowding them, particularly through the park areas.

Ms. Husak said that for the Rezoning with Preliminary Development Plan, Condition 2 listed in the Planning Report, 'That the development text be revised to state *all* reserves are maintained by the HOA', should be removed because Planning needs to speak to the Parks Director about the maintenance.

Ms. Amorose Groomes suggested instead to revise the Planning Report Condition 2.

Ms. Amorose Groomes said it seemed like there was support for the removal of Lot 46 which might change Condition 3 with the buffering that would be required.

Ms. Husak agreed to amend Condition 3 as listed in the Planning Report.

Ms. Amorose Groomes pointed out that there would be that opportunity at the time of the final development plan and that the Commission would review the final plat. She said that the Commission would see more landscape details and things at the final development plan stage and they will make sure that at least they get some buffers, and once it is known where the road is going to be, they can speak more intelligently to what kind of landscape might be appropriate in that space.

Ms. Husak referred to Condition 12 in the Planning Report, 'That the development text be revised to require a side-loaded garage for Lot 46 face north', and she asked if they should do that for both Lots 1 and 45 at the entrance.

Ms. Amorose Groomes agreed.

Motion # 1 and Vote - Rezoning with Preliminary Development Plan

Mr. Fishman moved to approve this Rezoning with Preliminary Development Plan because this proposal complies with all applicable review criteria and the existing development standards, with 18 conditions:

- 1) That the development text be revised to allow a 30-foot front yard setback where bike paths are proposed along the lot;
- 2) That the development text be revised to reflect open space maintenance as requested by the Director of Parks and Open Space;
- 3) That the applicant work with Planning to provide buffering within Reserve 'B' on the south side of the Rings-Cosgray Connector.
- 4) That the applicant work with Planning to disperse trees in Reserve 'C' away from the bike path edge toward the center of the reserve and reduce the number and tight spacing of the River Birch at the entries;
- 5) That the applicant incorporate longer runs of stone wall following the curve of the proposed path in Reserve 'C' rather than the small piles shown;
- 6) That the applicant work with Planning to add landscaping around and aeration within the stormwater pond in Reserve 'F' and continue the taxus hedge and ornamental trees behind the benches and bike racks in Reserve 'D';
- 7) That the Pacific Sunset Maple be substituted for the proposed Aristocrat Pear;
- 8) That the applicant work with Engineering to revise the proposed Rings-Cosgray Connector location to ensure an adequate buffer from 6800 Rings Road while adhering to proper and safe roadway design;
- 9) The applicant will be required to update the plans to reflect the bike paths in front of proposed lots be concrete in material with saw cut joints;
- 10) That the applicant work with the Hilliard City School District to coordinate the proposed bike path connection and provide written evidence of acceptance of the location from the District with the final development plan submission;
- 11) That the proposed bike path in Reserve 'C' cross proposed Cadmore Drive at the intersection with the new Rings-Cosgray Connector,
- 12) That the development text be revised to require a side-loaded garage for Lots 1 and 45 face north;
- 13) That the development text be modified to address architectural diversity and that the applicant provide an architectural diversity matrix prior to scheduling review by City Council;

- 14) That the development text be revised to require the establishment of an Architectural Review Committee (ARC);
- 15) That the applicant provide a fence along the northern and eastern boundary of the proposed pond in Reserve 'F', subject to approval by Planning;
- 16) That the development text be revised to require each house has a three-car garage;
- 17) That the development text be revised to remove the reference to sanitary sewer being provided through the church property; and
- 18) That Lot 46 be eliminated from the proposed preliminary development plan and plat.

Mr. Hale, representing Jason Francis, M/I Homes, agreed to the conditions.

Mr. Budde seconded the motion. The vote was as follows: Ms. Amorose Groomes, yes; Ms. Kramb, yes; Mr. Hardt, yes; Ms. Newell, yes; Mr. Budde, yes; and Mr. Fishman, yes. (Approved 6 – 0.)

Motion #2 and Vote - Preliminary Plat

Ms. Kramb moved to approve this Preliminary Plat because this proposal complies with the preliminary plat review criteria, with one condition:

- 1) That the applicant ensure that any minor technical adjustments to the plat should be made prior to City Council submittal.

Mr. Hale, representing Jason Francis, M/I Homes, agreed to the conditions.

Mr. Hardt seconded the motion. The vote was as follows: Mr. Budde, yes; Mr. Fishman, yes; Ms. Newell, yes; Ms. Amorose Groomes, yes; Mr. Hardt, yes; and Ms. Kramb, yes. (Approved 6 – 0.)

2. Perimeter Center, Subarea F3 – The Learning Experience Daycare

10-082AFDP

**6329 Perimeter Loop Drive
Amended Final Development Plan**

Chair Chris Amorose Groomes introduced this request to construct an 8,738-square-foot daycare building, a 4,810-square-foot playground and associated site improvements on a 1.003-acre parcel zoned PCD, Planned Commerce District located on the west side of Perimeter Loop Road at the intersection with Mercedes Drive. She said that three motions were necessary for this application.

Ms. Amorose Groomes swore in those intending to speak in regards to this case including the applicant, Paul Cugini, (155 Green Meadows Drive South, Lewis Center, Ohio); Todd Faris, Faris Planning & Design, LLC, (243 North 5th Street, Suite 401, Columbus, Ohio); and City representatives.

Ms. Amorose Groomes determined that a full presentation was not necessary for this consent agenda item, but that since Mr. Fishman and she had questions regarding fencing, that portion of the presentation should be provided.

Rachel Ray presented a slide showing the proposed 10,000-square-foot daycare facility that was reviewed by the Commission informally in April 2010. She said the Commission was supportive of the daycare use, but at that time the proposal required a rezoning to allow the use. She said the Zoning Code has since been modified to allow daycare centers in the SO, Suburban Office and Institutional District to which this subarea refers. She said that the Commission recommended that the applicant shift the

building back farther from Perimeter Loop Road, which the applicant has done, as well as modify the architecture to help reduce the overall mass and appearance of the building from Mercedes Drive. She presented the proposed site plan and noted that the architecture had also been modified to have more appropriate architectural detailing to help reduce the mass.

Ms. Ray said that the applicant is proposing a four-foot wrought-iron fence along the south and west sides of the building, and Planning is concerned about the location of the fence. She said there is internal circulation within the building to allow the children to have access to the playground, so between the location of the proposed fence and the post and hedge landscape treatment proposed along Mercedes Drive and wrapping the corner of the building, Planning is concerned that the two fences might create landscape maintenance issues so they are recommending that the proposed four-foot fence be eliminated around the south and west sides of the building.

Ms. Ray said that the applicant is also proposing a six-foot solid vinyl fence around the playground area that would require a text modification since the Zoning Code does not allow fences to exceed six feet in height or to be solid. She said that Planning recommends that the fence be reduced to four feet in height and that it be a black wrought-iron style aluminum material as an alternative.

Ms. Ray said that Planning supports the two text modifications to allow a pavement setback along Perimeter Loop Drive of 25 feet instead of 35 feet and for parking at a rate of one parking space per 250 square feet of area instead of one parking space per employee and one space for every six students.

Ms. Ray said that Planning recommends disapproval of the text modification to permit the use of a six-foot fence instead of a four-foot fence around the playground.

Ms. Ray said that Planning recommends approval of this Amended Final Development Plan, with five conditions:

- 1) That the four-foot fencing on the south and west sides of the building be eliminated, and that the fencing around the playground use a four-foot black wrought-iron style fencing in lieu of six-foot vinyl privacy fencing;
- 2) That Mercedes Drive be improved as a Fire Apparatus Access Road (FAAR) meeting the requirements of Dublin Fire Code Appendix D for FAARs, subject to the approval of the City Engineer and the Washington Township Fire Chief;
- 3) That Mercedes Drive and the service road on the west side of the site directly behind the building be marked as Fire Lanes meeting the requirements of Dublin Fire Code Sections D103.6.2 and D103.6;
- 4) That the 10-foot sidewalk easement be dedicated to the City prior to building permitting, and the applicant coordinate the two-foot sidewalk connection with the City should a sidewalk connection be installed on the property to the north; and
- 5) That the plans be revised to demonstrate compliance with the landscape requirements for outdoor recreation areas.

Paul Cugini, the applicant, explained that the Learning Experience would like to have the fence along Mercedes Drive on the west sidewalk that comes from Perimeter Loop Drive to the property. He said if there was a fire drill, the children would have to come out of the doors and assemble on the east side of the parking lot where the fire drill area is located. He said they proposed the six-foot fence around the playground to help protect the children. He said they would not be opposed to a six-foot wrought-iron fence. He was concerned that anyone could snatch a child over a four-foot fence. He said the playground area would be well-screened with plantings.

Ms. Amorose Groomes invited public comment regarding this application. [There was none.]

Amy Kramb asked if the fence was necessary to direct the children along the sidewalk to the parking lot.

Mr. Cugini said when there is a fire drill, The Learning Experience daycare is required to bring the children out of the classrooms to the sidewalk and to the assembly area which is located on the east side of the parking lot.

Ms. Kramb said she thought the fence would be a hindrance because the gates would have to be opened along the way to get everyone to the parking lot assembly area.

Mr. Cugini explained that when the children come out the door, they are still confined within the fence area and then they all go through the gate on the east side of the building to assemble in the parking lot. He said that if there was a fire drill and they all came out together there would be a mass exit.

Ms. Kramb asked if the fence was to keep the children from scattering onto the service drive or street.

Mr. Cugini said that was correct.

Ms. Amorose Groomes clarified that the fence would be approximately seven feet from the edge of the building to the outside of the sidewalk.

Ms. Kramb said as long as the proposed four-foot wrought-iron fence did not hinder the landscaping, she had no problem with it along the sidewalk. She said that she was, however, totally against the proposed solid vinyl fence around the playground area. She said she could be persuaded to allow a six-foot height, but it would have to be a metal fence instead of an opaque vinyl fence.

Mr. Cugini said he did not have a problem with a six-foot wrought-iron fence because he thought it resolved the safety issue.

John Hardt referred to Condition 2, and asked if the improvement of Mercedes Drive was just for the portion that runs along the south side of this site.

Ms. Ray confirmed that was correct.

Mr. Hardt asked if the existing ground sign which was going to be reused, complied with Code.

Ms. Ray confirmed that was correct.

Mr. Hardt referred to the proposed decorative light fixture. He noted that according to the cut sheets, it was planned to be lit with up to a maximum of 180 watts and the bulbs would be visible, which he did not support. He asked that a dimmer bulb be used.

Mr. Hardt said he had a concern that requesting the four-foot fence around the building was beyond the Commission's purview as a Building Code requirement. He said the purpose of an egress door is to get people out of a building when it is on fire. He said that fence would keep people against a building that was potentially burning. He asked if Dublin's Chief Building Official (CBO), was ok with the fence, and if the CBO was okay with the fence, then he was too.

Ms. Ray said that this proposal was reviewed with the Building Department, and they felt that it could meet the intent of the Building Code requirements through appropriate hardware on the gates to ensure that they could be pushed open, but the Building Department was also supportive of the condition that the fence be eliminated, to reduce the concern related to making a faster exit from the building as well as the maintenance of the landscaping and other factors.

Mr. Hardt said that a six-foot opaque fence around the playground was overwhelming, but he could be convinced if it was a wrought-iron-style fence.

Victoria Newell said she understood what the applicant was trying to achieve in the event of a fire drill, but she thought the proposed fence might be more of a hindrance, especially since children have been continuously taught to go one particular way to that point of safety. She said in a real emergency situation, that path of travel could actually be blocked and not be the appropriate location for the children to egress into. Ms. Newell said as a design professional who has worked on daycare facilities, she realizes that they are trying to provide a safe path for travel, but it only works in a practice situation and not when there is a real hazard. She said she was opposed to keeping the fence.

Ms. Newell said that she was okay with the proposed six-foot fence around the playground because there have been similar provisions approved for adult care facilities in terms of the type of fencing, but she did not think that it should be opaque. She said she preferred a wrought-iron-style fence and would not support a solid vinyl fence.

Joe Budde said he too would support a six-foot fence, as long as it was an opaque wrought-iron fence. He said he was sure there was a way to figure out the right flow to get the building occupants out for emergencies and fire drills.

Ms. Newell referred to a six-foot fence that the Commission had recently approved for a memory care facility, allowing them to have a larger outdoor area. She recalled that fence had a combination of brick wall structure along with metal fencing.

Claudia Husak said that the Commission has consistently approved four-foot fences for daycares. She said in 2005, a daycare came to the Commission specifically to request a six-foot fence, which the Commission disapproved. Ms. Husak said if taller fences for daycares is something that the Commission feels comfortable with, it ought to be approached through a Code modification, as opposed to approvals on a case by case basis for individual facilities. She said it was true that for elderly care facilities, specifically memory and Alzheimer's care, that they have asked for six-foot fences, and Planning was supportive of higher fences in these instances. Ms. Husak said that in the case Ms. Newell was referring to, stone columns were interspersed with the wrought-iron-style fence. She said however, there have not been any daycares approved with six-foot fences. Ms. Husak said that a child would have to be a willing participant to be snatched out of a four-foot fenced area, and she did not think that was likely, with all of the staff watching the children. She said that her children attended a daycare, and she was comfortable with a four-foot fence.

Ms. Newell said she understood the concern, but she was uncomfortable because if the Commission thought it was appropriate to make exceptions to the fence height for adults where there was a specific need, she thought daycare facilities should be treated similarly. Ms. Newell said that she could not rationalize the difference between adult and a child care facilities, although she noted that she was not a fan of six-foot fences in most circumstances.

Ms. Amorose Groomes said she thought it would be consistent to require columns for the fencing. She said if they were going to deviate from Code in terms of height, there has to be good reason to do that, and she thought columns, approximately ten feet on center, with an eight-foot section of fence in the middle, or something similar would be appropriate. Ms. Amorose Groomes suggested there be a condition that if the applicant wants the flexibility for the taller fence, masonry columns need to be incorporated.

Mr. Hardt said he would be in favor of stone columns. He said for the record, part of the reason that he was okay with a taller fence in this particular location is that the playground is tucked in the back corner of this site surrounded by commercial buildings, and it is not visible from any open rights-of-way.

Ms. Amorose Groomes agreed with Mr. Hardt and stated that it was important to include those comments on the record for this particular site.

Warren Fishman said he would also be supportive of a six-foot fence as long as it incorporated stone columns, but he also agreed that a Code modification would be appropriate. He said he was not in favor of the four-foot fence around the building, because it was fine for fire drills but not for actual fires.

Ms. Amorose Groomes asked if the Fire Department had any concerns about the proposed four-foot fence being seven feet from the building containing children in the event that the building was on fire.

Fire Marshal Alan Perkins, Washington Township Fire Department, said that the subject had been discussed at the General Staff reviews for this application. He said the building will have sprinklers, so there is a safety provision built into the building. He said that his primary concern was with getting out of that area. He said there are a number of daycares in Dublin that have fences and there is a concern about the proximity to the street and the potential for a child to get away and be struck by a vehicle. He said there is always a concern particularly with walking one direction for fire drills that the fire department would consider. He said it was a situation that with the building having sprinklers and a fire alarm system, the Fire Department recognizes that the building, for the most part can be safe, but it was a matter of determining that that they practice exiting the building from different directions.

Ms. Amorose Groomes asked Fire Marshal Perkins if he felt the fence was safe in case of fires or emergencies.

Marshal Perkins said that he felt it was safe, provided appropriate hardware was used on the gates, which would be reviewed at building permitting.

Ms. Amorose Groomes requested that Ms. Ray review the modified conditions.

Ms. Ray suggested a modification of Condition 1, to eliminate the four-foot fence around the south and west sides of the building, and that the playground fencing be a six-foot black wrought-iron style, installed with masonry columns in lieu of the vinyl privacy fencing.

Ms. Ray suggested that a sixth condition be added, 'That the decorative building light fixtures be cut-off and that they use wattage no greater than 60 watts or equivalent, subject to Planning approval'.

Mr. Fishman said the columns should be ten feet on center.

Todd Faris, Faris Planning & Design, LLC, asked if the fence could be heavy-duty aluminum because wrought-iron was not used any more.

Ms. Ray said that was Planning's intent for it to be a wrought-iron *style*, and not necessarily actual wrought iron.

Mr. Faris pointed out that the fence sections were typically 8-feet long, so 10-foot spacing would not work.

Ms. Amorose Groomes said that columns 16 feet apart would work with two sections put together.

Mr. Fishman suggested that the condition state that a commercial grade aluminum wrought-iron fence should be used.

Ms. Ray suggested that if the Commission preferred, they could make one motion for the three minor text modifications for the pavement setback, the parking, and the six-foot fencing.

Motion #1 and Vote – Minor Text Modifications

Mr. Hardt moved to approve three Minor Text Modifications allowing a pavement setback along Perimeter Loop Drive of 25 feet, for parking at a rate of one parking space per 250 square feet of area instead of one parking space per employee and one space for every six students, and to permit the use of a six-foot fence instead of a four-foot fence around the playground. Mr. Fishman seconded the motion.

Mr. Cugini agreed to the three Minor Text Modifications.

The vote was as follows: Ms. Amorose Groomes, yes; Ms. Kramb, yes; Mr. Budde, yes; Ms. Newell, yes; Mr. Fishman, yes; and Mr. Hardt, yes. (Approved 6 – 0.)

Motion #2 and Vote – Amended Final Development Plan

Mr. Fishman moved to approve this Amended Final Development Plan because it complies with all applicable review criteria and the existing development standards in the area, with six conditions:

- 1) That the fencing around the playground use a six-foot black commercial grade wrought-iron style fencing with masonry columns a maximum of 16 feet on center in lieu of vinyl privacy fencing;
- 2) That Mercedes Drive be improved as a Fire Apparatus Access Road (FAAR) meeting the requirements of Dublin Fire Code Appendix D for FAARs, subject to the approval of the City Engineer and the Washington Township Fire Chief;
- 3) That Mercedes Drive and the service road on the west side of the site directly behind the building be marked as Fire Lanes meeting the requirements of Dublin Fire Code Sections D103.6.2 and D103.6;
- 4) That the 10-foot sidewalk easement be dedicated to the City prior to building permitting, and the applicant coordinate the two-foot sidewalk connection with the City should a sidewalk connection be installed on the property to the north;
- 5) That the plans be revised to demonstrate compliance with the landscape requirements for outdoor recreation areas; and
- 6) That the decorative building light fixtures be cut-off and use a wattage no greater than 60 Watts (or equivalent), subject to Planning approval.

Mr. Hardt seconded the motion.

Mr. Cugini agreed to the conditions.

The vote was as follows: Mr. Budde, yes; Ms. Kramb, yes; Ms. Amorose Groomes, yes; Ms. Newell, yes; Mr. Hardt, yes; and Mr. Fishman, yes. (Approved 6 – 0.)

Commission Roundtable

Ms. Amorose Groomes stated that there would be no Commission Roundtable discussion. She asked that the Commissioners come to the next meeting prepared to discuss iPads. Ms. Amorose Groomes adjourned the meeting at 7:55 p.m.

As approved by the Planning and Zoning Commission on April 4, 2013.